

HOUSE BILL 285

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P3

2000 Regular Session  
(0lr0185)

**ENROLLED BILL**

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **The Speaker (Administration) and Delegates McIntosh and Shriver**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Smart Codes - Models and Guidelines - Infill Development and Smart**  
3 **Neighborhoods**

4 FOR the purpose of requiring the Maryland Office of Planning to draft certain model  
5 land-use codes and guidelines for infill development and smart neighborhood  
6 development; requiring the Office to circulate certain model land-use codes and  
7 guidelines to other State agencies and departments and to work with local  
8 governments, State agencies, and departments to develop incentives to  
9 encourage the adoption and implementation of certain land-use model codes  
10 and guidelines by local governments; ~~providing that the incentives required to~~  
11 ~~be developed under this Act may not condition local government eligibility for~~  
12 ~~State funding on certain activities providing for the application of this Act;~~  
13 defining certain terms; and generally relating to certain land-use model codes  
14 and guidelines.

15 BY repealing and reenacting, with amendments,

1 Article - State Finance and Procurement  
2 Section 5-7B-09  
3 Annotated Code of Maryland  
4 (1995 Replacement Volume and 1999 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - State Finance and Procurement**

8 5-7B-09.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (2) "INFILL DEVELOPMENT" MEANS NEW DEVELOPMENT IN A PRIORITY  
12 FUNDING AREA ON VACANT, BYPASSED, AND UNDERUTILIZED LANDS WITHIN  
13 EXISTING DEVELOPED AREAS.

14 (3) "SMART NEIGHBORHOOD DEVELOPMENT" MEANS A  
15 COMPREHENSIVELY PLANNED, COMPACT MIXED USE DEVELOPMENT WITHIN A  
16 PRIORITY FUNDING AREA THAT INTEGRATES RESIDENTIAL, COMMERCIAL, OPEN  
17 SPACE, AND PUBLIC USES.

18 [(a)] (B) The Office of Planning shall:

19 (1) establish a process for the review of projects by the appropriate State  
20 agencies and the Office of Planning for compliance with this subtitle;

21 (2) provide to each State agency and unit of State government the  
22 location of priority funding areas; and

23 (3) make available to each county, and to the public for review, copies of  
24 maps illustrating:

25 (i) priority funding areas certified by the local governments; and

26 (ii) any comments by the Office of Planning on the areas certified.

27 [(b)] (C) By October 1, 1998, the Office of Planning shall complete surveys of  
28 municipal, county, and State governments for infrastructure needs and shall  
29 maintain a list of needed projects that includes information relating to the financial  
30 capacity of the affected unit of government to undertake such projects.

31 [(c)] (D) A copy of this list of projects shall be made available upon request to  
32 members of the General Assembly, local government officials, and the general public.

33 (E) THE OFFICE OF PLANNING SHALL:

1 (1) DRAFT MODEL LAND-USE CODES FOR INFILL DEVELOPMENT AND  
2 SMART NEIGHBORHOOD DEVELOPMENT;

3 (2) DRAFT GUIDELINES TO PROVIDE LOCAL GOVERNMENTS WITH  
4 INFORMATION ON INNOVATIVE PLANNING AND IMPLEMENTATION TECHNIQUES TO  
5 ENCOURAGE AND FACILITATE INFILL DEVELOPMENT AND SMART NEIGHBORHOOD  
6 DEVELOPMENT;

7 (3) CIRCULATE THE MODELS AND GUIDELINES TO OTHER STATE  
8 AGENCIES AND DEPARTMENTS; AND

9 (4) WORK WITH LOCAL GOVERNMENTS, STATE AGENCIES, AND  
10 DEPARTMENTS TO DEVELOP INCENTIVES TO ENCOURAGE THE VOLUNTARY  
11 ADOPTION AND IMPLEMENTATION BY LOCAL GOVERNMENTS OF THESE MODELS  
12 AND GUIDELINES BY LOCAL GOVERNMENTS IMPLEMENTING THE INTENT OF THE  
13 MODELS AND GUIDELINES REQUIRED TO BE DEVELOPED BY THE OFFICE OF  
14 PLANNING UNDER THIS SECTION.

15 [(d)] (F) Each State agency subject to this subtitle shall report annually to the  
16 Office of Planning on the implementation of this subtitle in a form approved by the  
17 Office of Planning.

18 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the incentives the~~  
19 ~~Maryland Office of Planning is required to develop under this Act may not condition~~  
20 ~~local government eligibility for State funding on local adoption of the models and~~  
21 ~~guidelines developed under this Act.~~

22 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act  
23 shall limit, expand, or otherwise change the authority of local jurisdictions, the  
24 Maryland-National Capital Park and Planning Commission, or the Washington  
25 Suburban Sanitary Commission to regulate planning, zoning, and subdivision, as  
26 provided in Article 23A, 25, 25A, 25B, 28, and 66B of the Code.

27 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
28 effect July 1, 2000.